

REMARKS

Summary of Office Action

Claims 29-50 are pending in this application.

The Examiner said applicants' arguments in the December 16, 2008 Reply To Final Office Action have been considered but are moot in view of the following new grounds of rejection:

Claims 29, 31, 33, and 34 have been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg et al. U.S. Patent No. 6,807,797 (hereinafter "Forsberg") in view of Drudik U.S. Patent No. 5,125,892 (hereinafter "Drudik"). Dependent claim 30 has been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg in view of Szapiro et al. U.S. Patent No. 5,785,683 (hereinafter "Szapiro"), Odell et al. U.S. Patent No. 6,263,641 (hereinafter "Odell"), and Geprägs U.S. Patent No. 4,781,701 (hereinafter "Geprägs"). Dependent claims 32 and 34-36 have been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg, Szapiro, and Odell in further view of Tanaka et al. U.S. Patent No. 5,716,339 (hereinafter "Tanaka"). Dependent claims 37 and 38 have been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg in view of Szapiro and Odell.

Claims 39, 41, 43, and 44 have been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg, Drudik, and Odell in further view of Shields U.S. Patent No. 3,807,119 (hereinafter "Shields"). Dependent claim 40 has been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg, Drudik, Odell, and Shields in further view of Geprägs. Dependent claim 42 has been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg, Drudik, Odell, and Shields in further view of Tanaka.

Claims 45, 47, 49, and 50 have been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg in view of Drudik and in further view of Shields. Dependent claim 46 has been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg, Drudik, and Shields in further view of Geprägs. Dependent claim 48 has been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg, Drudik, and Shields in further view of Tanaka.

Summary of Applicants' Reply

Applicants have amended independent claims 29, 39, and 45 to more particularly point out and distinctly claim the subject matter that applicants regard as the invention. Dependent claims 30, 31, 40, 41, and 46 have been amended to present additional limitations or conform to their independent claim. Dependent claim 35 has been amended to be more concise.

No new matter has been added.

Reconsideration of this application in view of the amendments and following remarks is respectfully requested.

Rejections of Claims 29-38 Under 35 U.S.C. § 103(a)

Claims 29, 31, 33, and 34 have been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg in view of Drudik. Dependent claim 30 has been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg in view of Szapiro, Odell, and Geprägs. Dependent claims 32 and 34-36 have been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg/Szapiro/Odell in further view of Tanaka. And dependent claims 37 and 38 have been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg, Szapiro, and Odell.

These rejections are respectfully traversed.

Independent claim 29 has been amended to require “placing a tapered insert in the front end of the chamber ... the insert having a rearward opening that forms a common boundary with the chamber, the rearward opening having a diameter that equals an inside diameter of the chamber where the rearward opening forms the common boundary.”

Support for this amendment is found in applicants’ specification, pages 17-18, paragraphs 69-72, and in FIGS. 9 and 13-15.

Neither Forsberg nor Drudik discloses or suggests placing an insert in the front end of a medicament chamber.

Geprägs, which was cited in the rejection of dependent claim 30 (prior to its amendment), does not meet the limitations of amended claim 29. In particular, amended claim 29 requires that the rearward opening of the insert have a diameter that equals an inside diameter of the chamber where the rearward opening forms a common boundary with the chamber. As shown in Geprägs’ FIGS. 2 and 3, the diameter of the opening in cylindrical part 17 (which the Examiner equated with applicants’ insert) is only about half the inside diameter of Geprägs’ syringe barrel 1 at cylindrical inner surface 6.4, which is where cylindrical part 17 forms a common boundary with barrel 1.

Furthermore, Smith U.S. Patent No. 2,098,524 (hereinafter “Smith”), which was cited in related U.S. Patent Application No. 11/698,964 for disclosing a tapering inward skirt 47, also does not meet the limitations of amended claim 29. In particular, amended claim 29 requires the insert to have a constant radially-inward taper extending from the rearward end of the insert to the front end of the insert. Smith’s tapering inward skirt 47 has no such constant taper, as shown in Smith’s FIGS. 5 and 6.

Independent claim 29 further requires filling a front compartment of the chamber with a dry medicament through the front end of the chamber. The Examiner alleged that a dry medicament could be loaded into Drudik's main barrel 1 through central aperture 2 at tip 6. Applicants respectfully submit that central aperture 2 at tip 6, which is sized to receive hypodermic needle 7, is far too narrow an opening to be used to load a dry medicament there through.

In sum, none of the cited references, either alone or in combination, discloses applicants' method of loading a chamber of an automatic injection device with a medicament as defined in amended claim 29.

For at least these reasons, dependent claims 30-38, which depend either directly or indirectly from independent claim 29, should also be allowable (*i.e.*, dependent claims are allowable if their independent claim is allowable).

Moreover, amended dependent claim 35 requires the dry medicament portion to be a tablet sized to fit through the front end of the chamber. Applicants respectfully submit that no "tablet" (as a person of ordinary skill in the art would understand that word) can fit through the opening of Drudik's central aperture 2 at tip 6. If the Examiner maintains her rejection of claim 35, applicants respectfully request the examiner to cite evidence of a "tablet" small enough to fit through an opening sized to receive a hypodermic needle of a syringe.

Accordingly, applicants respectfully request that the rejections of claims 29-38 under 35 U.S.C. § 103(a) be withdrawn.

Rejections of Claims 39-44 Under 35 U.S.C. § 103(a)

Claims 39, 41, 43, and 44 have been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg/Drudik/Odell in further view of Shields. Dependent claim 40 has been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg, Drudik, Odell, Shields, and Geprägs. Dependent claim 42 has been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg, Drudik, Odell, Shields, and Tanaka.

These rejections are respectfully traversed.

Similar to independent claim 29, independent claim 39 has been amended to require “placing a tapered insert in the front end of the chamber, the tapered insert having ... a large opening at one end of the insert ... the large opening having a diameter that equals an inside diameter of the chamber where the large opening forms a common boundary with the chamber.”

For at least the same reasons as discussed above with respect to claim 29, none of the cited references, either alone or in combination, discloses applicants’ method of loading a chamber of an automatic injection device with a medicament as defined in amended claim 39.

And for at least these reasons, dependent claims 40-44, which depend from independent claim 39, should also be allowable (*i.e.*, dependent claims are allowable if their independent claim is allowable).

Accordingly, applicants respectfully request that the rejections of claims 39-44 under 35 U.S.C. § 103(a) be withdrawn.

Rejections of Claims 45-50 Under 35 U.S.C. § 103(a)

Claims 45, 47, 49, and 50 have been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg in view of Drudik and in further view of Shields. Dependent claim 46 has been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg, Drudik, Shields, and Geprägs. Dependent claim 48 has been rejected under 35 U.S.C. § 103(a) as being obvious from Forsberg, Drudik, Shields, and Tanaka.

These rejections are respectfully traversed.

Similar to independent claims 29 and 39, independent claim 45 has been amended to require “placing a tapered insert in the front end of the chamber, the tapered insert comprising a funnel portion ... having ... a large opening ... forming a common boundary with the chamber, the large opening having a diameter that equals an inside diameter of the chamber where the large opening forms the common boundary.”

For at least the same reasons as discussed above with respect to claim 29, none of the cited references, either alone or in combination, discloses applicants’ method of loading a chamber of an automatic injection device with a medicament as defined in amended claim 45.

And for at least these reasons, dependent claims 46-50, which depend from claim 45, should also be allowable (*i.e.*, dependent claims are allowable if their independent claim is allowable).

Accordingly, applicants respectfully request that the rejections of claims 45-50 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

The foregoing demonstrates that claims 29-50 are allowable. This application is

therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,



---

Garry J. Funa  
Registration No. 40,210  
Attorney for Applicants

JONES DAY  
Customer No. 20583  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939